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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,322	03/22/2004	Tom Testa	TES-0003	1746

23413 7590 06/24/2005

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EXAMINER
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ARK, DARREN W

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,322

Applicant(s)

TESTA, TOM

Examiner

Darren W. Ark

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 11-15, 18-20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16, 17, 21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 11-15, 18-20, and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/14/2005.

### *Claim Objections*

2. Claims 3, 24 are objected to because of the following informalities:

Claim 3, line 2, "material" should be changed to --materials--.

Claim 24, line 1, "material" should be changed to --materials--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10, 16, 17, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sokolik 2,556,403.

Sokolik discloses a first aperture (defined by 14b in Fig. 3); a second aperture (one of 23b); a third aperture (other of 23b); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

In regard to claim 23, Sokolik discloses a rod (21) with a shaft portion (see Fig. 2); a first material surrounding the shaft (at 14b), a second material defining an aperture (23b).

5. Claims 1-10, 16, 17, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lirette 4,587,757.

Lirette discloses a first aperture (32 or 12, 15); a second aperture (one of 16); a third aperture (other of 16 or 52); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

In regard to claim 23, Lirette discloses a rod (see Fig. 2) with a shaft portion (of 11); a first material surrounding the shaft (32), a second material defining an aperture (16).

6. Claims 1-9, 16, 17, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Pat. No. 11-346606 to Shoji et al.

Shoji et al. discloses a first aperture (1, 1a); a second aperture (left occurrence of 2, 2a-c in Fig. 6); a third aperture (right occurrence of 2, 2a-c in Fig. 6); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

In regard to claim 23, Shoji et al. discloses a rod (see Fig. 1) with a shaft portion (7).

7. Claims 1-10, 16, 17, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lirette 4,587,757.

Lirette discloses a first aperture (32 or 12, 15); a second aperture (one of 16); a third aperture (other of 16 or 52); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

In regard to claim 23, Lirette discloses a rod (see Fig. 2) with a shaft portion (of 11); a first material surrounding the shaft (32), a second material defining an aperture (16).

8. Claims 1-10, 16, 17, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ferguson 1,719,695.

Ferguson discloses a first aperture (at 17); a second aperture (at one of 16); a third aperture (other of 16); wherein the first, second, and third materials form a contiguous (see Fig. 2) article.

In regard to claim 23, Ferguson discloses a rod (see Fig. 1) with a shaft portion (10; rod not particularly claimed); a first material surrounding the shaft (at 17), a second material defining an aperture (at 16).

9. Claims 1-9, 16, 17, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Byington 309,028.

Byington discloses a first aperture (B); a second aperture (one of A); a third aperture (other of A); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

In regard to claim 23, Byington discloses a rod (see Fig. 1) with a shaft portion (E).

10. Claims 1-10, 16, 17, 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Duggan 6,026,545.

Duggan discloses a first aperture (58); a second aperture (60); a third aperture (62); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

11. Claims 1-10, 16, 17, 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mosher 283,719.

Mosher discloses a first aperture (c); a second aperture (one of d); a third aperture (other of d); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

12. Claims 1-10, 16, 17, 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sawyer 59,277.

Sawyer discloses a first aperture (a'); a second aperture (a"); a third aperture (a); wherein the first, second, and third materials form a contiguous ("contiguous" defined as "1. Sharing a boundary or edge: TOUCHING.") article.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA